

ORDINANCE NO. 2009-35

AN ORDINANCE OF THE CITY OF HUNTSVILLE, TEXAS, ADOPTING A WATER CONSERVATION PLAN AND A DROUGHT CONTINGENCY PLAN; ESTABLISHING CRITERIA FOR THE INITIATION AND TERMINATION OF DROUGHT RESPONSE STAGES; ESTABLISHING RESTRICTIONS ON CERTAIN WATER USES; ESTABLISHING PENALTIES FOR VIOLATION OF THE PLANS; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Huntsville, Texas recognizes that the amount of water available to the City and its water utility customers is limited and subject to depletion during periods of extended drought; and

WHEREAS, the City recognizes that natural limitations due to drought conditions and other acts of God cannot guarantee an uninterrupted water supply for all purposes; and

WHEREAS, Section 12.1272 of the Texas Water Code and applicable rules of the Texas Natural Resource Conservation Commission require all public water supply systems in Texas to prepare water conservation and drought contingency plans; and

WHEREAS, as authorized under law, and in the best interests of the citizens of Huntsville, Texas, the City Council deems it expedient and necessary to establish certain rules and policies for the orderly and efficient management of limited water supplies during the drought and other water supply emergencies;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, TEXAS, that:

SECTION 1: That the City of Huntsville, Texas Drought Contingency Plan attached hereto as Exhibit "A" and made a part hereof for all purposes and that City of Huntsville Water Conservation Plan attached hereto as Exhibit "B" and made a part hereto for all purposes be, and the same are hereby, adopted as the official policies of the City.


SECTION 2: Any person, corporation, partnership, association or other entity violating and drought contingency measure or water conservation measure implemented by the City of Huntsville pursuant to the City of Huntsville, Texas Drought Contingency Plan or the City of Huntsville Water Conservation Plan shall be subject to the general penalty provisions set out in Section 1-11 of the Code of Ordinances of the City of Huntsville, Texas, and a separate offense shall be deemed committed upon each and every day that any drought contingency measure is violated.

SECTION 3: All ordinances that are in conflict with the provisions of this Ordinance are, and that same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION 4: Should any paragraph, sentence, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

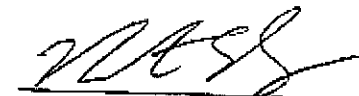
SECTION 5: This ordinance shall become effective 10 days after the date of its passage and the caption shall be published as required by Article 4.14 of the Charter.

PASSED AND APPROVED this 19th day of May, 2009.



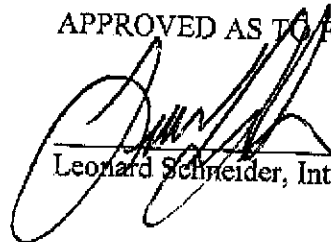
J. Turner, Mayor

ATTEST:



Ann Smith, City Secretary
Kristin Edwards

APPROVED AS TO FORM:



Leonard Schneider, Interim City Attorney

**DROUGHT CONTINGENCY PLAN
FOR THE
CITY OF Huntsville, TEXAS
Exhibit "A" to City of Huntsville Ordinance No. 2009-35**

Section I: Declaration of Policy, Purpose, and Intent

In order to conserve the available water supply and protect the integrity of water supply facilities, with particular regard for domestic water use, sanitation, and fire protection, and to protect and preserve public health, welfare, and safety and minimize the adverse impacts of water supply shortage or other water supply emergency conditions, the City of Huntsville hereby adopts the following regulations and restrictions on the delivery and consumption of water.

Water uses regulated or prohibited under this Drought Contingency Plan (the Plan) are considered to be non-essential uses; continuation of such uses during times of water shortage or other emergency water supply condition are deemed to constitute a waste of water which subjects the offender(s) to penalties as defined in Section X of this Plan.

Section II: Public Involvement

Opportunity for the public to provide input into the preparation of the Plan was provided by the City of Huntsville by means of Public Hearings and meetings.

Section III: Public Education

The City of Huntsville will periodically provide the public with information about the Plan, including information about the conditions under which each stage of the Plan is to be initiated or terminated and the drought response measures to be implemented in each stage. This information will be provided by means of paid advertisements, public notices, press releases and/or utility bill inserts.

Section IV: Coordination with Regional Water Planning Groups

The service area of the City of Huntsville is located, within the Trinity River Authority and City of Huntsville has provided a copy of this Plan to the Region H Water Planning Group.

Section V: Authorization

The Mayor or his/her designee is hereby authorized and directed to implement the applicable provisions of this Plan upon determination that such implementation is necessary to protect public health, safety, and welfare. The Mayor or his/her designee, shall have the authority to initiate or terminate drought or other water supply emergency response measures as described in this Plan. This Plan shall also be referenced in, and become an Appendix to, the City of Huntsville Emergency Management Plan, Annex L; Utilities.

Section VI: Application

The provisions of this Plan shall apply to all persons, customers, and property utilizing water provided by the City of Huntsville. The terms "person" and "customer" as used in the Plan include individuals, corporations, partnerships, associations, and all other legal entities.

Section VII: Definitions

For the purposes of this Plan, the following definitions shall apply:

Aesthetic water use: water use for ornamental or decorative purposes such as fountains, reflecting pools, and water gardens.

Commercial and institutional water use: water use which is integral to the operations of commercial and non-profit establishments and governmental entities such as retail establishments, hotels and motels, restaurants, and office buildings.

Conservation: those practices, techniques, and technologies that reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water or increase the recycling and reuse of water so that a supply is conserved and made available for future or alternative uses.

Customer: any person, company, or organization using water supplied by the City of Huntsville.

Daily Water Demand: the total amount of water pumped or otherwise released into distribution system(s) for customer use. Expressed in gallons, which are metered in a given 24-hour period (gallons per day).

Declaration of Disaster: that action taken by the Mayor, as authorized by the City of Huntsville Emergency Management Basic Plan and the Texas Disaster Act of 1975, when the Mayor determines that the public health, safety, and welfare may be threatened by a disastrous event, or the imminent threat of such an event.

Director: the Director of Water and Wastewater, City of Huntsville, Texas.

Domestic water use: water use for personal needs or for household or sanitary purposes such as drinking, bathing, heating, cooking, sanitation, or for cleaning a residence, business, industry, or institution.

Even number address: street addresses, box numbers, or rural postal route numbers ending in 0, 2, 4, 6, or 8 and locations without addresses.

Industrial water use: the use of water in processes designed to convert materials of lower value into forms having greater usability and value.

Landscape irrigation use: water used for the irrigation and maintenance of landscaped areas, whether publicly or privately owned, including residential and commercial lawns, gardens, golf courses, parks, and rights-of-way and medians.

Non-essential water use: water uses that are not essential nor required for the protection of public, health, safety, and welfare, including:

1. irrigation of landscape areas, including parks, athletic fields, and golf courses, except otherwise provided under this Plan;
2. use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle;
3. use of water to wash down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
4. use of water to wash down buildings or structures for purposes other than immediate fire protection;

5. flushing gutters or permitting water to run or accumulate in any gutter or street;
6. use of water to fill, refill, or add to any indoor or outdoor swimming pools or jacuzzi-type pools;
7. use of water in a fountain or pond for aesthetic water use or scenic purposes except where necessary to support aquatic life;
8. failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s); and
9. use of water from hydrants for construction purposes or any other purposes other than fire fighting.

Odd numbered address: street addresses, box numbers, or rural postal route numbers ending in 1, 3, 5, 7, or 9.

Total Production Capability: the total net aggregate amount of water that can be produced from all water wells capable of supplying water to the system in any given 24-hour period.

Trigger: a threshold level to be used as an initiation or termination point for actions based on certain mathematical criteria.

Section VIII: Criteria for Initiation and Termination of Drought Response Stages

The Director of Water and Wastewater shall monitor water supply and/or demand conditions on a daily basis and shall determine when conditions require initiation or termination of each stage of the Plan, that is, when the specified "triggers" are reached.

The triggering criteria described below are based on a statistical analysis of the vulnerability of the water source under drought of record condition, and on known system capacity limits.

Stage 1 Trigger — MILD Water Shortage Conditions

Requirements for initiation

Customers shall be requested to voluntarily conserve water and adhere to the prescribed restrictions on certain water uses, provided in Section IX of this Plan, when daily water demand exceeds 85% of Total Production Capability for ten (10) consecutive days, and the Director determines that no circumstances exist that will decrease the demand except conservation by customers.

Requirements for termination

Stage 1 of the Plan may be rescinded when water demand is 85% or less of Total Production Capability for a period of 5 consecutive days, and the Director determines that circumstances exist to indicate that demand will continue at less than the trigger level without conservation by customers.

Stage 2 Trigger — MODERATE Water Shortage Conditions

Requirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses provided in Section IX of this Plan when daily water demand exceeds 90% of Total Production Capability for ten (10) consecutive days, and that response measures required by Stage 1 Trigger — MILD Water Shortage Conditions have been implemented, and the Director determines that no circumstances exist that will decrease the demand below the Stage 2 Trigger except conservation by customers.

Requirements for termination:

Stage 2 of the Plan will be rescinded when daily water demand reduces to 90% or less of Total Production Capability for a period for (5) consecutive days. Upon termination of Stage 2, Stage 1 becomes operative.

Stage 3 Trigger — CRITICAL Water Shortage ConditionsRequirements for initiation

Customers shall be required to comply with the requirements and restrictions on certain non-essential water uses for Stage 3 of this Plan when daily water demand exceeds 95% of Total Production Capability for a period of five (5) consecutive days, and that response measures required by Stage 2 Trigger — MODERATE Water Shortage Conditions have implemented, and the Director determines that no circumstances exist that will decrease the demand below the Stage 3 Trigger except conservation by customers.

Requirements for terminate

Stage 3 of the Plan will be rescinded when daily water demand reduces to 95% or less of Total Production Capability for a period of (2) consecutive days. Upon termination of Stage 3, Stage 2 becomes operative.

Stage 4 Trigger — EMERGENCY Water Shortage ConditionsRequirements for initiation

Customers shall be required to comply with the requirements and restrictions for Stage 4 of this Plan when the Director determines that a water supply emergency exists based on:

1. Major water line breaks, or pump or system failures occur, which cause unprecedented loss capability to provide water service; or
2. Natural or man-made contamination of the water supply source(s); or
3. Daily water demand equals 100% of the Total Production Capability for 3 consecutive days.

Requirements for termination

Stage 4 of the Plan may be rescinded when all of the conditions listed as triggering events have ceased to exist and the Director determines that no circumstances exist which require further conservation. Upon rescinding Stage 4 of the Plan, the Director may impose response requirements of Stages 1, 2, or 3 of the Plan if circumstances exist that require continued abatement to the effects of the emergency water shortage condition.

Section IX: Drought Response Stages

The Director or his/her designee shall monitor water supply and/or demand conditions on a daily basis and, in accordance with the triggering criteria set forth in Section VIII of this Plan, shall determine that a mild, moderate, critical, or emergency water shortage condition exists and shall implement the following notification procedures:

NotificationNotification of the Public:

The Director or his/ here designee shall notify the public by means of:

publication in a newspaper of general circulation, and/or
direct mail to customers, or
public service announcements, or
signs posted in public places.

Additional Notification:

The Director or his/ her designee shall notify directly, or cause to be notified directly, the following individuals and entities:

City Manager

Mayor / Members of the City Council

Fire Chief

City and/or County Emergency Management Coordinator(s) County Judge

State Disaster District / Department of Public Safety TNRCC (required when mandatory restrictions are imposed)

Major water users

Critical water users, i.e. hospitals, clinics and nursing homes

City of Huntsville Department Heads

Stage 1 Response — MILD Water Shortage Conditions

Goal: Achieve a fifteen percent reduction, or approximately 1.5 MGD. In our daily water demand for the City of Huntsville water system.

Supply Management Measures:

The City of Huntsville shall implement supply management measures that include reduction in flushing of water mains and conservation of incidental water usage at water and wastewater plants. Activities shall be implemented, which include increased monitoring of meters, gauges, water levels in, tanks, and water well production data.

Voluntary Water Use Restrictions:

1. Water customers are requested to voluntarily limit the irrigation of landscaped areas to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and to irrigate landscapes only between the hours of midnight and 8:00 am. and 8:00 p.m. to midnight on designated watering days.
2. All general operations of the City of Huntsville shall adhere to water use restrictions prescribed for Stage 2 of the Plan.
3. Water customers are requested to practice water conservation and to minimize or discontinue water use for non-essential purposes.

Stage 2 Response — MODERATE Water Shortage Conditions

Goal: Achieve a ten percent reduction, or approximately 1.06 MGD. In our daily demand for the City of Huntsville water system.

Supply Management Measures:

The City of Huntsville shall implement supply management measures that discontinue flushing of water mains, irrigation of public landscaped areas, and all water usage at water and wastewater plants not required for direct operations of the facilities.

Water Use Restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:

- a. Irrigation of landscaped areas with hose-end sprinklers or automatic irrigation systems shall be limited to Sundays and Thursdays for customers with a street address ending in an even number (0, 2, 4, 6 or 8), and Saturdays and Wednesdays for water customers with a street address ending in an odd number (1, 3, 5, 7 or 9), and irrigation of landscaped areas is further limited to the hours of 12:00 midnight until 8:00 a.m. and between 8:00 p.m. and 12:00 midnight on designated watering days. However, irrigation of landscaped areas is permitted at anytime if it is by means of a hand-held hose, a faucet filled bucket or watering can of five (5) gallons or less, or drip irrigation system.
- b. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is prohibited except on designated watering days between the hours of 12:00 midnight and 10:00 a.m. and between 8:00 p.m. and 12:00 midnight. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a positive shutoff nozzle. Vehicle washing may be done at any time on the immediate premises of a commercial car wash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.
- c. Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacti7.7i-type pools is prohibited except on designated watering days between the hours of 12:00 midnight and 8:00 a.m. and between 8 p.m. and 12:00 midnight.
- d. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
- e. Use of water from hydrants shall be limited to fire fighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the Director.
- f. Use of water for the irrigation of athletic fields or golf course greens, tees, and fairways is prohibited except on designated watering days between the hours 12:00 midnight and 8:00 a.m. and between 8 p.m. and 12:00 midnight. However, if the athletic field or golf course utilizes a water source other than that provided by the City of Huntsville, the facility shall not be subject to these regulations.
- g. The following uses of water are defined as non-essential and are prohibited:
 1. Wash down of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas;
 2. Use of water to wash down buildings or structures for purposes other than immediate fire protection;/p>
 3. Use of water for dust control;
 4. Flushing gutters or permitting water to run or accumulate in any gutter or street; and
5. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

Stage 3 Response — CRITICAL Water Shortage Conditions

Goal: Achieve an adequate reduction in the City of Huntsville daily water demand. Additionally, in severe drought conditions the City of Huntsville will:

Supply Management Measures:

The City of Huntsville shall implement supply management measures that discontinue flushing of water mains, irrigation of public landscaped areas, and all water usage at water and wastewater plants not required for direct operations of the facilities. Water usage at all City buildings shall be restricted to health, sanitation, cleanliness or firefighting purposes.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

1. Irrigation of landscaped areas shall be limited to designated watering days between the hours of 4:00 a.m. and 8:00 a.m. and between 8:00 p.m. and 12:00 midnight and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. The use of hose-end sprinklers or permanently installed automatic sprinkler systems are prohibited at all times.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle not occurring on the premises of a commercial car wash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial car washes and commercial service stations shall occur only between the hours of 6:00 a.m. and 6:00 p.m.
3. The filling, refilling, or adding of water to swimming pools, wading pools, and Jacuzzi-type pools is prohibited.
4. Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a re-circulation system.
5. No new, additional, expanded, or increased-in-size water service connections, meters, service lines, pipeline extensions, mains, or water service facilities of any kind shall be approved or installed for such time as this drought response stage or a higher-numbered stage shall be in effect.

Stage 4 Response -- EMERGENCY Water Shortage Conditions

Goal: Achieve a reduction in daily water demand sufficient to assure the water system for the protection of public health, safety, and welfare until the Stage 4 Trigger criteria(s) can be abated.

Supply Management Measures:

The City of Huntsville shall implement supply management measures that discontinue flushing of water mains, irrigation of public landscaped areas, and all water usage at water and wastewater plants not required for direct operations of the facilities. Water usage at all City buildings shall be restricted to health, sanitation, cleanliness or firefighting purposes.

Water Use Restrictions. All requirements of Stage 2 and 3 shall remain in effect during Stage 4 except:

1. Irrigation of landscaped areas is absolutely prohibited.
2. Use of water to wash any motor vehicle, motorbike, boat, trailer, airplane or other vehicle is absolutely prohibited,
3. Curtailment of service to persons shown to be violation of prohibited uses of water may be ordered by the Director, if the Director determines that such curtailment would not be detrimental to the public health, safety, and welfare, and determines that such curtailment would benefit the mitigation of Stage 4 conditions.

Stage 5 Response — WATER ALLOCATION

In the event that water shortage conditions threaten public health, safety, and welfare due to the duration, type, effect or magnitude of such conditions, and a Declaration of Disaster has been issued relating to such conditions, the Mayor is hereby authorized to allocate water according to the following plan. In addition to other restrictions required in Stage 2, 3, or 4 Response, a monthly water allocation may be established by the Mayor for single family residential water customers.

Single-Family Residential Customers

The allocation to residential water customers residing in a single-family dwelling shall be as follows:

Persons per Household	Gallons per Month
1 or 2	4,500
3 or 4	5,500
5 or 6	6,500
7 or 8	7,500
9 or 10	8,500
11 or more	10,000

"Household" means the residential premises served by the customer's meter. "Persons per household" includes only those persons currently physically residing at the premises and expected to reside there for the entire billing period. It shall be assumed that a particular customer's household is comprised of two (2) persons unless the customer notifies the City of Huntsville of a greater number of persons per household on a form prescribed by the Mayor. It shall be the customer's responsibility to go to the City of Huntsville offices to complete and sign the form claiming more than two (2) persons per household. When the number of persons per household increases so as to place the customer in a different allocation category, the customer may notify the City of Huntsville on such form and the change will be implemented in the next practicable billing period. If the number of persons in a household is reduced, the customer shall notify the City of Huntsville in writing. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of persons in a household or fails to timely notify the City of Huntsville of a reduction in the number of person in a household shall be subject to penalties set forth in Section X of this Plan.

Residential water customers shall pay the following surcharge:

125% of the normal and routine charge for water billed above allocation.

Master-Metered Multi-Family Residential Customers

In addition to other restrictions required in Stage 2, 3, or 4 Responses, a monthly water allocation may be established by the Mayor for master-metered multifamily water customers. The allocation to a customer billed from a master meter which jointly measures water to multiple permanent residential dwelling units (e.g., apartments, mobile homes) shall be allocated 6,000 gallons per month for each dwelling unit. A dwelling unit may be claimed under this provision whether it is occupied or not. Any person who knowingly, recklessly, or with criminal negligence falsely reports the number of dwelling units served by a master meter shall be subject to penalties set forth in Section X. Customers billed from a master meter under this provision shall pay the following monthly surcharge:

125% of the normal and routine charges for water billed above allocation.

Commercial Customers

In addition to other restrictions required in Stage 2, 3, or 4 Responses, a monthly water allocation may be established by the Mayor for each commercial customer. The commercial customer's allocation shall be no less than 75 percent of the customer's usage for corresponding month's billing period for the previous 12 months. If the customer's billing history is shorter than 12 months, the monthly average for the period for which there is a record shall be used for any monthly period for which no history exists. Provided, however, a customer, 75 percent of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons. Upon request of a customer or at the initiative of the Mayor, the allocation may be reduced or increased if, (1) the designated period does not accurately reflect the customer's normal water usage or (2) other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Huntsville City Council. Nonresidential commercial customers shall pay the following surcharges:

150% of normal and routine charges for water billed in excess of allocation.

Industrial Customers

In addition to other restrictions required in Stage 2, 3, or 4 Responses, a monthly allocation may be established by the Mayor for each industrial customer, which uses water for processing purposes. The industrial customer's allocation shall be no less than 85 percent of customer's water usage baseline. Provided, however, a customer, 85 percent of whose monthly usage is less than 6,000 gallons, shall be allocated 6,000 gallons. The industrial customer's water use baseline will be computed on the average water use for the three month period ending prior to the date of implementation of Stage 2 of the Plan. If the industrial water customer's billing history is shorter than three months, the monthly average for the period for which there is a record shall be used. Upon request of the customer or at the initiative of the Mayor, the allocation may be reduced or increased, (1) if the designated period for baseline calculation does not accurately reflect the customer's normal water use, (2) the customer has added or is in the process of adding significant additional processing capacity, (3) the customer has shutdown or significantly reduced the production of a major processing unit, (4) the customer has previously implemented significant permanent water conservation measures such that the ability to further reduce water use is limited, or (5) if other objective evidence demonstrates that the designated allocation is inaccurate under present conditions. A customer may appeal an allocation established hereunder to the Huntsville City Council. Industrial customers shall pay the following surcharge:

150% of normal and routine charges for water billed in excess of allocation.

Section X: Enforcement

No person shall knowingly or intentionally allow the use of water from the City of Huntsville for residential, commercial, industrial, agricultural, governmental, or any other purpose in a manner contrary to any provision of this Plan, or in an amount in excess of that permitted by the drought response stage in effect at the time pursuant to action taken in accordance with provisions of this Plan.

Any person who violates this Plan is guilty of a Class C misdemeanor and, upon conviction shall be punished by a fine of not less than FIFTY DOLLARS (\$50.00) and not more than FIVE HUNDRED DOLLARS (\$500.00). Each day that one or more of the provisions in this Plan is violated shall constitute a separate offense. If a person is convicted of two or more distinct violations of this Plan, the Director shall, upon due notice to the customer, be authorized to discontinue water service to the premises where such violations occur. Services discontinued under such circumstances shall be restored only upon payment of a re-connection charge, hereby established at \$25.00, and any other costs incurred by the City of Huntsville in discontinuing service. In addition, suitable assurance must be given to the Director that the same action shall not be repeated while the Plan is in effect. Compliance with this plan may also be sought through injunctive relief in the district court.

Any person, including a person classified as a water customer of the City of Huntsville, in apparent control of the property where a violation occurs or originates shall be presumed to be the violator, and proof that the violation occurred on the person's property shall constitute a rebuttable presumption that the person in apparent control of the property committed the violation, but any such person shall have the right to show that he/she did

not commit the violation. Parents shall be presumed to be responsible for violations of their minor children and proof that a violation, committed by a child, occurred on property within the parents' control shall constitute a rebuttable presumption that the parent committed the violation, but any such parent may be excused if he/she proves that he/she had previously directed the child not to use the water as it was used in violation of this Plan and that the parent could not have reasonably known of the violation.

Any police officer, or other City of Huntsville employee, designated by the Mayor, may issue a citation to a person he/she reasonably believes to be in violation of this Ordinance. The citation shall be prepared in duplicate and shall contain the name and address of the alleged violator, if known, the offense charged, and shall direct him/her to appear in the municipal court on the date shown on the citation for which the date shall not be less than 3 days nor more than 5 days from the date the citation was issued. The alleged violator shall be served a copy of the citation. Service of the citation shall be complete upon delivery of the citation to the alleged violator, to an agent or employee of a violator, or to a person over 14 years of age who is a member of the violator's immediate family or is a resident of the violator's residence. The alleged violator shall appear in municipal court to enter a plea of guilty or not guilty for the violation of this Plan. If the alleged violator fails to appear in municipal court, a warrant for his/her arrest may be issued. A summons to appear may be issued in lieu of an arrest warrant. These cases shall be expedited and given preferential setting in municipal court before all other cases.

Section XI: Variances

The Huntsville City Council may grant temporary variance for existing water uses otherwise prohibited under this Plan if it is determined that failure to grant such variance would cause an emergency condition adversely affecting the health, sanitation, or fire protection for the public or the person requesting such variance and if one or more of the following conditions are met:

1. Compliance with this Plan cannot be technically accomplished during the duration of the water supply shortage or other condition for which the Plan is in effect.
2. Alternative methods can be implemented which will achieve the same level of reduction in water use.

Persons requesting an exemption from the provisions of this Ordinance shall file a petition for variance with the City of Huntsville within 5 days after the Plan or a particular drought response stage has been invoked. All petitions for variances shall be reviewed by the Director and shall include the following:

1. Name and address of the petitioner(s).
2. Purpose of water use.
3. Specific provision(s) of the Plan from which the petitioner is requesting relief.
4. Detailed statement as to how the specific provision of the Plan adversely affects the petitioner or what damage or harm will occur to the petitioner or others if petitioner complies with this Ordinance.
5. Description of the relief requested.
6. Period of time for which the variance is sought.
7. Alternative water use restrictions or other measures the petitioner is taking or proposes to take to meet the intent of this Plan and the compliance date.
8. Other pertinent information.

Variances granted by the City of Huntsville shall be subject to the following conditions, unless waived or modified by the City Council:

1. Variances granted shall include a timetable for compliance.
2. Variances granted shall expire when the Plan is no longer in effect, unless the petitioner has failed to meet specified requirements.

A variance, if so approved by City Council, may be retroactive or otherwise justify any violation of this Plan occurring prior to the issuance of the variance.

Daily Water Production

	Palm Street Daily Water Production MGD		
Date	Total Groundwater from the Catahoula Aquifer	Total Purchased Surface Water (TRA) Trinity River Authority	Total Daily Production
6/22/2009	3,619,000	7,666,000	11,285,000
6/23/2009	3,521,000	7,805,000	11,326,000
6/24/2009	4,444,000	7,609,000	12,053,000
6/25/2009	3,786,000	7,785,000	11,571,000
6/26/2009	3,375,000	7,644,000	11,019,000
6/27/2009			0
6/28/2009			0
6/29/2009			0
6/30/2009			0
7/1/2009			0
Total	18,745,000	38,509,000	57,254,000

Last updated 6/27/2009